

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: STEVEN I. LOCKE
U.S. MAGISTRATE JUDGE

DATE: 11/2/22
TIME: 3:00 pm

CASE: CV 22-1272(RPK) Medical Depot, Inc. v. Med Way US, Inc.

TYPE OF CONFERENCE: STATUS FTR: 2:56-4:23; 4:31-5:25; 5:32-5:42

APPEARANCES:

For Plaintiff: Dyan Finguerra-DuCharme and Jessica Rosen

For Defendant: Todd Sharinn

THE FOLLOWING RULINGS WERE MADE:

- ☒ Order: Oral argument held. As to Plaintiff's motion for a protective order, DE [34], the motion is granted as to RFA 65-372. The information sought is not relevant and disproportionate to the needs of the case. RFA 1 through 64 are withdrawn without prejudice until the conclusion of depositions.

As to Defendant's motion to compel, DE [35], the motion is granted in part and denied in part:

As to document requests 11, 12 and 44, Defendant may obtain the supporting documents related to documents DRIVE015663-015667 for ten entries and then conduct a deposition concerning how the calculations in DRIVE016663-015667 were made. Similarly, Plaintiff will produce a table for costs no later than November 9, 2022 and Defendant will be entitled to supporting documentation for ten entries and then conduct a deposition related to those calculations. Defendant will identify which calculations it wants supporting documentation for within 30 days of the cost information being produced. As to interrogatory 5, Plaintiff will identify the individuals involved in the mark search(es) between 2007 and 2022 to the extent it has that information (including for which years it has that information).

The parties will submit further briefing concerning whether information sought in interrogatories 20 & 22, and the discovery requests identified in the second bullet point of p.3 of DE [36] are discoverable. As to interrogatory 21, the motion is denied on relevance grounds. Document request 42 is withdrawn. As to document request 40 the motion is denied. Given Defendant's explanation of the relevance of the information sought, the request is disproportionate to the needs of the case. As to request 46, Plaintiff will produce 20 invoices/sales contracts or similar documents indicating the sale of the Med-Aire products for each year from 2007 to the present to the extent such documents exist. The motion is denied as to interrogatory 12. The responsive information sought is irrelevant given the parties' stipulation, DE [19]. As to document request 14, the parties will further brief this issue as well. The motion is denied with respect to document

request 23 as the request is disproportionate to the needs of the case. Everything ordered to be produced above will be produced no later than December 2, 2022 unless otherwise indicated.

As to subsequent briefing, Defendant will serve moving papers by December 16, 2022. Opposition will be served January 17, 2023. All papers will be filed on January 18, 2023. All other discovery deadlines will be held in abeyance until the remaining issues are decided after further briefing.

SO ORDERED

/s/Steven I. Locke
STEVEN I. LOCKE
United States Magistrate Judge